

REMARKS

Claims 1-15 were pending in the application. Claims 1, 2, 4-8, 10, 12, 14, and 15 have been amended. Claims 16-24 have been added. No new matter has been introduced. Claims 3, 9, 11, and 13 have been canceled without prejudice or disclaimer. Thus, claims 1, 2, 4-8, 10, 12, and 14-24 are pending for reconsideration at this time.

Prior Art Rejections

Claims 1-3 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,655,212 to Sekhar ("Sekhar" hereafter). Claims 4, 6, 7, and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sekhar in view of U.S. Patent No. 4,535,588 to Sato ("Sato" hereafter). Claim 8 stands rejected as being unpatentable over Sekhar in view of Sato, further in view of U.S. Patent No. 4,567,725 to Shinzawa ("Shinzawa" hereafter). Independent claim 1 has been amended to include the subject matter of dependent claim 3, which has been canceled. Independent claim 2 has been amended to include the subject matter of dependent claim 9, which has been canceled. Applicant respectfully traverses the rejection of independent claims 1 and 2 (as amended) for at least the following reasons.

The Office Action asserts that Sekhar "discloses the membrane being a stainless steel fiber web (see col. 18, lines 44-47)." The noted section of Sekhar is repeated below for discussion purposes:

The membrane/heating element comprises a compound selected from the group consisting of metallic material, molybdenum silicides, Fe-Cr-Al, Ni-Cr, SiC and combinations thereof.

As set forth above, however, Sekhar fails to disclose or suggest a stainless steel *fiber* web as claimed. Moreover, it would not be obvious to one of ordinary skill in the art to apply the teachings of Sekhar to stainless steel *fiber* webs as claimed, because Sekhar is directed at ceramic or ceramic composite porous membranes (col. 1, line 10; col. 7, lines 58-59), *not* plain metallic or steel membranes. Thus, Sekhar cannot anticipate the presently claimed invention as alleged by the Office Action.

Withdrawal of the prior art rejections is solicited.

New Claims 16-24

New claims 16-24 have been added to more fully recite features of the present invention. Support for new claims 16 and 17 can be found, for example, on page 3, lines 3-4 of the as file specification. Support for new claims 18 and 19 can be found, for example, on page 3, lines 27 to 28 of the as filed specification. Support for new claims 20-24 can be found, for example, on page 5, line 11 to page 6, line 23, and in Figure 1 of the as filed specification.

Claims 16 and 18 are dependent upon claim 1, and are considered to be allowable for at least the aforementioned reasons with respect to claim 1, in addition to the further patentable features recited therein. Claims 17 and 19 are dependent upon claim 2, and are considered to be allowable for at least the aforementioned reasons with respect to claim 2, in addition to the further patentable features recited therein.

Additionally, regarding claims 16 and 17 specifically, Sekhar fails to disclose or suggest a completely metallic filter as claimed. Rather, even if Sekhar discloses a filter material that may include a metallic element, this does not mean the filter is completely metallic as claimed. Hence, claims 16 and 17 are considered to be allowable for this additional reason.

New claims 20-24 are considered to be allowable for similar reasons as those set forth above with respect to claims 1 and 2, in addition to the further patentable features recited therein.

Allowance of claims 16-24 is solicited.

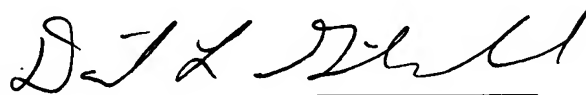
C nclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Date June 11, 2003

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 945-6112
Facsimile: (202) 672-5399

Daniel L. Girdwood
Agent for Applicant
Registration No. 52,947